

J659BLAS

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

17 CR 684 (ER)

6 ANTHONY BLAND,

7 Defendant.  
-----x

8 New York, N.Y.  
9 June 5, 2019  
10:28 a.m.

11 Before:

12 HON. EDGARDO RAMOS

13 District Judge

14 APPEARANCES

15 GEOFFREY S. BERMAN  
16 United States Attorney for the  
17 Southern District of New York  
18 ELI J. MARK  
19 NOAH D. SOLOWIEJCZYK  
20 ROBERT L. BOONE  
21 Assistant United States Attorneys

22 LAW OFFICES OF JEFFREY LICHTMAN  
23 Attorneys for Defendant  
24 JEFFREY H. LICHTMAN  
25 JEFFREY B. EINHORN

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1 (Case called)

2 MR. MARK: Good morning, your Honor. Eli Mark, Noah  
3 Solowiejczyk, and Robert Boone on behalf of the government.

4 MR. LICHTMAN: Jeffrey Lichtman and Jeffrey Einhorn  
5 for Tony Bland. Good morning, your Honor.

6 MR. EINHORN: Good morning, your Honor.

7 THE COURT: Good morning to you all.

8 This matter is on for sentencing and in preparation  
9 for today's proceedings I have reviewed the following. I have  
10 reviewed the presentence report last revised on April 8, 2019,  
11 prepared by U.S. Probation Officer Nicolo DiMaria.

12 I've reviewed the sentencing letter submitted by  
13 Mr. Lichtman dated May 15, 2019 which includes letters written  
14 by various of Mr. Bland's family and friends.

15 I also received yesterday a letter from a Sidney  
16 Kamlager-Dove who is a California state assembly person  
17 concerning Mr. Bland's work with an organization called the  
18 Brotherhood Crusade.

19 I've reviewed the government's submission dated  
20 May 22, 2019 as well as the victim-impact statement from the  
21 University of Southern California received under cover letter  
22 dated May 31, 2019.

23 Is there anything else that I should have received or  
24 reviewed, Mr. Mark?

25 MR. MARK: No. And I'll just note that we haven't

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1 received or reviewed the last letter that you mentioned, I  
2 think received yesterday's date.

3 THE COURT: I can hand it to counsel.

4 MR. MARK: Sure.

5 MR. EINHORN: Your Honor, we haven't seen it as well.

6 THE COURT: You can read it also.

7 MR. LICHTMAN: Thank you.

8 THE COURT: Mr. Lichtman, beyond that letter is there  
9 anything else that I should have received or reviewed?

10 MR. LICHTMAN: No, your Honor.

11 THE COURT: OK.

12 Mr. Lichtman, have you read the presentence report and  
13 discussed it with your client?

14 MR. LICHTMAN: I have, Judge. We have no objections.

15 THE COURT: Mr. Bland, have you read the presentence  
16 report and discussed it with your attorneys?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Are there any objections to the report  
19 concerning its factual accuracy?

20 THE DEFENDANT: No, your Honor.

21 THE COURT: Very well. Although I am not required to  
22 impose a sentence within the guidelines range, I am required to  
23 consider the range in imposing sentence and to do so I need to  
24 make the calculation.

25 Mr. Bland pleaded guilty to Count One of the

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1 indictment which charges him with conspiracy to commit bribery  
2 in violation of 18 U.S.C. Section 371. That offense carries an  
3 offense level of 12. There are no other mitigating or  
4 aggravating enhancements with the exception of the two-level  
5 reduction for acceptance of responsibility, yielding a total  
6 offense level of 10. Because Mr. Bland has no prior criminal  
7 convictions he is in criminal history category I.

8 Any objection to that calculation, Mr. Mark?

9 MR. MARK: No, your Honor.

10 THE COURT: Mr. Lichtman?

11 MR. LICHTMAN: No, your Honor.

12 THE COURT: Very well. There being no objection I  
13 find that the criminal history category is I and the total  
14 offense level is 10, yielding a guidelines range of 6 to 12  
15 months.

16 Mr. Mark, does the government wish to be heard before  
17 the imposition of sentence?

18 MR. MARK: Yes, your Honor.

19 What I note that was particularly lacking in the  
20 defendant's sentencing submission was really a discussion about  
21 the conduct here and I want to talk briefly about the conduct  
22 because the conduct was serious, it was thoughtful, it was  
23 deliberative.

24 When the defendant flew to Las Vegas at the end of  
25 July he had made it near the top of his profession. He was an

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1 associate head coach at a top college basketball program at  
2 USC. But the defendant wanted more. And when he arrived at  
3 the hotel suite in Las Vegas at the Cosmopolitan he wasn't  
4 looking out for his employer, USC. He wasn't looking out for  
5 the kids that he coached or was hoping to coach at the school.  
6 He was looking out for himself when he agreed to take bribes  
7 from Christian Dawkins. He got \$4,100 that night and they  
8 talked about Dawkins and his company and they could get more  
9 money for a top recruit, someone like Marvin Bagley if he went  
10 to the University of Southern California, and they talked about  
11 how and where they would deliver more cash to the defendant  
12 because he was in L.A. and Dawkins was in Atlanta and the  
13 investors were over on the East Coast, because they all knew  
14 what they were doing was wrong when they were there in that  
15 hotel room.

16 And after that meeting, as we detailed in our  
17 submission, Tony Bland went into action to help steer kids, and  
18 these were kids, we're talking about young men, to Dawkins and  
19 his company and he talked about who he could do that with. He  
20 named names. And he said that he could do it because these  
21 people, these kids trusted him. And he also took steps to  
22 connect Dawkins up with the families of these individuals, of  
23 these kids. And that had serious consequences. Not only was  
24 this bribery but this also had the consequence, the potential  
25 consequence to jeopardize the eligibility of these young men to

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1 play basketball.

2           He did that I would submit probably because the  
3 defendant, like many others, had a disagreement with what the  
4 rules for the NCAA said. The NCAA rules obviously provide that  
5 college basketball players are amateurs.

6           Two things here. One, this case is not about whether  
7 the rules are right or wrong; this case is about bribery.  
8 There is no question that bribery is wrong and the defendant  
9 obviously pled guilty here. Bribery is a crime and it's clear.  
10 And two, the mere fact that somebody was operating in college  
11 basketball and had a disagreement with the rules does not  
12 excuse conduct like bribery. It doesn't excuse conduct that  
13 clearly takes advantage of young men and jeopardizes their own  
14 careers. That's serious conduct. It's deliberative conduct.  
15 It was conduct while started in a hotel room in Vegas continued  
16 on and would have continued on for much longer.

17           What is also noteworthy about the conduct here is that  
18 not just was it deceptive in the context of engaging in  
19 bribery, but there was another layer of deception involved in  
20 Mr. Bland's conduct which was that the funder of the bribes,  
21 these investors that Dawkins and Tony Bland were essentially  
22 sharing. There was \$13,000 dedicated to Tony Bland. And  
23 Dawkins and Mr. Bland split that money.

24           THE COURT: How was that determined? How was it  
25 determined that Mr. Bland would get \$4,100 and Mr. Dawkins the

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1 balance? Do you know?

2 MR. MARK: We don't know the internal -- the  
3 discussions between Tony Bland and Christian Dawkins. Those  
4 weren't recorded. But we see some reflection of that in the --  
5 in another phonecall which the government detailed in its  
6 sentencing submission. And there they talked about well  
7 Mr. Bland wanted 2500. Then Christian Dawkins said well I'll  
8 ask for five thousand and then we'll split it 25/25. So I  
9 think that sort of gives some insight into how their  
10 relationship was such that they knew investors were giving  
11 money so they could share the money that was given, the bribe  
12 money.

13 THE COURT: Do we know whether Mr. Bland intended to  
14 use the money that would go to him in order to pay recruits or  
15 players at USC, if you know?

16 MR. MARK: I think there's a couple things. First,  
17 the initial bribe, \$4,100 that Mr. Bland received. That was  
18 for him and for him personally. There was further discussions  
19 about how he would get paid. There was discussions in that  
20 hotel suite about whether it would be monthly, whether it would  
21 be as needed. I think ultimately they talk, maybe this is  
22 going to be an as-needed situation. And there was discussions  
23 further about him being reimbursed for out-of-pocket expenses  
24 that he had. So there was a number of different discussions  
25 about how he would get paid in the future.

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1                   THE COURT: OK.

2                   MR. MARK: As I said, this was serious conduct that we  
3 believe merits an appropriate sentence here. And while the  
4 guidelines are low here -- I mean there is no question about  
5 that, we do think that there should be a meaningful sentence  
6 because the nature of the conduct and that there should be  
7 deterrence here because this was serious conduct; because, as I  
8 think there's really no dispute, that the defendant was  
9 operating in a space where there were other people who were  
10 engaging in this sort of deceptive and dishonest conduct, there  
11 should be a meaningful sentence that promotes the interests of  
12 deterrence here.

13                  THE COURT: Let me ask you this. As I read your  
14 letter, I understood the government to acknowledge that  
15 Mr. Bland was the least culpable of the defendants here. Was  
16 that meant to include the other related cases that the  
17 government is prosecuting in this district?

18                  MR. MARK: No. That was meant to reflect these  
19 defendants who are charged in this indictment. I mean the  
20 conduct here that the defendant was engaged in, I think that  
21 there is a couple of factors that really make this particularly  
22 serious. One is that he was -- his relationship to these  
23 students, right. He was a mentor to these students. And I  
24 think the fact that that places him somewhat differently than  
25 somebody who is necessarily a consultant to a shoe company who

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1 has a different relationship with a student. I think those are  
2 factors that the Court should consider. How they play out in  
3 the guidelines and how they play out to ultimate culpability  
4 really have many different factors to be considered.

5 THE COURT: Again, as I understand the government's  
6 theory, the players that Mr. Bland coached were hurt in that  
7 their NCAA careers were put in jeopardy because if this were  
8 found out, as it was, they would not be allowed to play; is  
9 that right?

10 MR. MARK: Yes. There's two reasons, your Honor. One  
11 is as we laid out. What the defendant was doing was he was  
12 steering his kids, his players, to Christian Dawkins, who was  
13 an adviser who first had been terminated because of alleged  
14 misconduct from Andy Miller's employment, somebody who had no  
15 track record of or experience to indicate that he would be  
16 somebody who should be trusted to manage these kids' money; and  
17 that he was doing that, and there was discussions about how he  
18 was doing that because to push him over to Mr. Dawkins as  
19 opposed to other people who were more reputable. There was  
20 intercepted calls that reflect his discussions with a player  
21 where another coach was saying: Oh, this player should go to a  
22 different agent, one who is -- with an established company. He  
23 said he was trying to prevent that coach from blocking his  
24 efforts, blocking his scheme to move this kid over to  
25 Mr. Dawkins.

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1                   So he was harming that in that first instance by  
2 steering them, for obviously undisclosed reasons, to those  
3 kids, to Mr. Dawkins; and two, because of the nature of how he  
4 was -- this scheme was working in the sense that he was  
5 connecting up handlers of these students with Mr. Dawkins, he  
6 was potentially jeopardizing their eligibility to play. And we  
7 noted that one of the players on that team didn't play the next  
8 year after Mr. Dawkins was charged.

9                   THE COURT: But do we know why he didn't play?

10                  MR. MARK: There was a number of different factors.  
11 This started a review. But this was -- there was a number of  
12 different factors that led to USC making that determination.  
13 But what they talked about essentially connecting Mr. Dawkins  
14 up with handlers, that was directly going to implicate those  
15 kids' eligibility and there didn't seem to be any concerns  
16 about engaging in that sort of conduct, willingly putting these  
17 kids' eligibility at risk.

18                  THE COURT: Just curious, Mr. Mark, and I don't know  
19 whether or not the government has done this. But we haven't  
20 heard from any of the students, any of the players. Were they  
21 interviewed? Were they put into the grand jury?

22                  If you know.

23                  MR. MARK: We obviously can't discuss about what  
24 happened or didn't happen before the grand jury.

25                  THE COURT: Right.

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1                   MR. MARK: Because of the grand jury's secrecy. But  
2 there were interviews of students that were done and -- talking  
3 broadly about students. Of all the students who were  
4 interviewed, they didn't know about the schemes and the bribery  
5 that their coaches were involved in; not talking particularly  
6 about Mr. Bland, but other coaches talked about how they would  
7 obviously not tell the students; and how if the students asked  
8 about why are we being set up with a particular coach, they  
9 would give some explanation, obviously hiding the fact that  
10 they were receiving bribes.

11                  THE COURT: Let me ask you this before you sit down.  
12 Mr. Lichtman has suggested that -- well he said in so many  
13 words that the University of Southern California is not  
14 strictly speaking a victim. He suggests that they were not  
15 only aware of this type of activity but that more recently in  
16 connection with two of their current recruits they offered a  
17 job to the father of those recruits and that suggests that that  
18 is just another way of basically gaming the system.

19                  Do you have a response to that?

20                  MR. MARK: I think there's two parts to your question.  
21 First, they clearly were a victim here. They did not know what  
22 Mr. Bland was doing. They didn't -- he lied to them. We saw  
23 at the trial, there's a compliance department. It was a  
24 significant compliance department, led by significant, serious  
25 people, by a lawyer. We heard and saw how there were different

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1 policies as well that dealt with advisers particularly because  
2 they wanted -- they were aware of the fact that a lot of their  
3 students would potentially be professionals and they wanted to  
4 protect them and make sure that everybody was complying  
5 properly.

6 Further, USC was really taken aback when they heard  
7 about Mr. Bland's conduct because they had -- Mr. Bland had  
8 been somebody who had supposedly to them been dedicated to  
9 compliance. He had represented them to the NCAA on a certain  
10 compliance initiative. And yet he was, at the same time he was  
11 representing that he was actually dedicated to the rules, he  
12 was engaging in this conduct.

13 What we further know is that on the day that he met in  
14 LA with Christian Dawkins and Munish Sood and the investors to  
15 discuss the bribery scheme, that very day he was supposed to be  
16 meeting with compliance from USC.

17 So USC took compliance seriously, A; and B, putting  
18 compliance with the rules aside, I mean they clearly were the  
19 victim of this bribery scheme. So, second, as to their sort of  
20 hiring practices, their hiring practices, I mean, are really  
21 sort of aside the point. I think we address that in our  
22 submission that that hiring practice didn't have anything to do  
23 with any payments from any agents, advisers. It didn't have  
24 anything to do with taking advantage of any student athletes in  
25 making any of their business decisions.

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1                   So whatever Mr. Lichtman wants to say about their  
2 hiring practices it really has nothing to do with Mr. Bland's  
3 conduct.

4                   And further, what I would note is that what Mr. Bland  
5 did, which was steering players to Christian Dawkins and his  
6 company, didn't actually help out USC in any way. There is no  
7 competitive advantage that the school could get from a coach  
8 who is corruptly steering a player to a particular agent or  
9 adviser. There is no benefit to the school from that conduct.  
10 So to suggest that they are in some way not victimized or in  
11 some way complicit in this conduct is clearly unsupported and  
12 illogical.

13                  THE COURT: Thank you. Mr. Lichtman did you wish to  
14 be heard?

15                  MR. LICHTMAN: I'm going to address some of the stuff  
16 that was just said now and then I'll go back to the beginning.

17                  With regard to the father of the two recruits, the  
18 Mobley brothers, the former FBI director, Freeh, was hired by  
19 USC to vet the basketball program after Mr. Bland was arrested.  
20 I'm sure countless millions were spent on that vetting process.  
21 After it was completed, USC took the job that was vacated by  
22 the firing of Tony Bland and gave it to the father of the  
23 number one recruit from the 2020 class and the number 10  
24 recruit for the class of 2019, gave him that assistant job. Lo  
25 and behold -- I know this is going to shock you -- the elder

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1 Mobley brother signed with USC and the younger one, who was,  
2 again, number one in the class, you can be sure will be signing  
3 with USC when given the opportunity when the signing period  
4 starts.

5 They were roundly criticized. Your Honor knows, I put  
6 in an article in our papers, that it was slimy, and this is not  
7 the kind of thing that happens never in the NCAA; surprise,  
8 surprise.

9 I remember, as a young basketball fan in the late  
10 '80s, Kansas hired Danny Manning, who was a superstar in high  
11 school at the time. His father, Ed Manning, who was a truck  
12 driver, he became the assistant counsel. Lo and behold, Danny  
13 Manning went to Kansas. Kansas won a national championship.

14 With all respect to USC, to suggest that they are  
15 clean hands, they know nothing; they're one of the most  
16 penalized athletic programs in the history of the NCAA. As of  
17 right now, today, what's happening, there was a gynecologist  
18 that worked at USC. There were eight complaints about sexual  
19 abuse that were made by students. USC buried them all. They  
20 never referred the doctor to the state licensing board and  
21 ultimately it came out, and they're being sued, and God knows  
22 what else will happen after.

23 In addition, as we all know, the admissions scandal  
24 that occurred recently, that's been all over the papers. There  
25 have been a number of coaches at USC that have been arrested,

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1 charged with that bribery case, receiving millions of  
2 dollars -- not \$4,100 -- millions of dollars. USC didn't know  
3 about that either.

4 And all of this stuff occurred, obviously, after  
5 millions were spent on Louie Freeh for that vetting process.

6 THE COURT: But how does that redound to the benefit  
7 of Mr. Bland here?

8 MR. LICHTMAN: The point is --

9 THE COURT: There was an issue at the trial, that the  
10 jury raised actually, that can the institution be victimized if  
11 individuals at the very highest levels of the institution are  
12 corrupt? And why isn't the answer yes, the institution itself,  
13 despite the fact that there are, you know, bad, bad employees,  
14 the institution suffers.

15 MR. LICHTMAN: Well I think the institution, to some  
16 extent, is rotten is the point of what I said.

17 That being said, we pled guilty for a reason. I  
18 acknowledge the fact that there was a victim in the case. I  
19 didn't say that USC wasn't the victim. I just said that they  
20 were not the typical fraud victim, and that's all I'm saying.  
21 I'm not suggesting that they were not victimized. I don't  
22 think that there's any evidence that suggests that Tony Bland  
23 was pushed to do this by USC. I'm just saying this is what  
24 existed at USC at the time. It's not exactly a paragon of  
25 virtue in the NCAA landscape was all I was trying to -- all I

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1 did say.

2           With regard to the players that were involved in this  
3 case, he's acknowledged his guilt. I understand that my  
4 sentencing memorandum can be boring sometimes but it was on  
5 page 17. We paraphrased a bunch of letters that talked about  
6 his remorse for what he the did. That exists. And I  
7 understand maybe you didn't get that. I don't blame them.  
8 It's not the most interesting read, but it was there.

9           With regard to the two players that were involved in  
10 this case. De'Anthony Melton has now been the starting point  
11 guard for the Phoenix Suns. I'm not suggesting that excused  
12 the behavior. I just wanted you to know how it ended.

13           With regard to Taeshon Cherry, he transferred to  
14 Arizona State. And he'll being playing there, probably for a  
15 higher-ranked team.

16           Again, it doesn't excuse the behavior. I just want to  
17 give you a fuller picture as to what happened to these players.

18           The truth is, and Mr. Bland will acknowledge, it was a  
19 very dangerous game and if it wasn't for the fact that Melton  
20 and Cherry were so talented this could have ended much worse  
21 for them.

22           THE COURT: I'm sorry. What do you mean by that?

23           MR. LICHTMAN: It could have been where they lost  
24 their eligibility, which they didn't. It could have been where  
25 they couldn't make it in the NBA. It could have been where

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1 perhaps no other college would want them. The fact that they  
2 bounced back and bounced back well is not a positive for Tony  
3 Bland. I just wanted to give you an indication as to what  
4 ultimately happened to these two players.

5 THE COURT: Do you have any insight as to why -- I  
6 forget which one of the players it was -- did not play for USC  
7 the subsequent year?

8 MR. LICHTMAN: I believe that Melton was being held  
9 out pending their investigation. And finally at some point  
10 Melton decided instead of getting back to USC, it makes more  
11 sense, he was a top 20 consensus draft choice, and he felt I  
12 should concentrate on my career, which is getting ready for the  
13 NBA instead of worrying about getting back to USC. He did  
14 that. He worked out for the year. He ended up getting drafted  
15 in the high teens, was it 21, it was somewhere, and is now, as  
16 I said, the starting point guard for the Suns. I'm not  
17 suggesting this is no harm/no foul, you'll excuse the pun.  
18 That's what happened.

19 This is a job preparation situation. Sometimes it's  
20 hard for people like us to understand because we went to  
21 college perhaps not with the idea that one year was going to  
22 get us ready for our careers. For De'Anthony Melton he needed  
23 to workout, show teams what he was capable of doing. He did.  
24 And he was drafted exactly where he was expected to be drafted.  
25 Again, it does not inure to Tony Bland's benefit. Although he

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1       coached him, I'm not suggesting that that's a gold star for  
2       him. I'm just trying to give you a fuller picture as to what  
3       happened to those two players.

4                  THE COURT: OK.

5                  MR. LICHTMAN: With regard to who is most culpable,  
6       obviously the government's acknowledged that Tony Bland is the  
7       least culpable in this case. His guidelines of six to twelve  
8       months are also the lowest than all of the cases. I don't  
9       think there's anybody else, and Mr. Mark will correct me if I'm  
10      wrong, who is at that low level of guidelines for anybody  
11      charged. And there's a reason why the guidelines are the  
12      lowest is because his criminal activity was the least. That's  
13      how the guidelines work. It's how it's always worked. If your  
14      guidelines are very high, you've done something very bad. If  
15      they're very low, you've done something not as bad.

16                 There was a question or a comment made that the  
17       consultant to the shoe company perhaps isn't as bad as  
18       Mr. Bland in terms of culpability. I think he's referring to  
19       Merl Code who received six months after he was convicted in the  
20       first trial; six months, after he blew the trial; then went to  
21       trial again and lost that one as well. His guidelines were in  
22       the 20-something range; much higher than six to twelve because  
23       his culpability was much worse. And the government actually  
24       agreed with probation's recommendation for eight months in that  
25       case after he blew the trial. So, respectfully, the idea that

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1 Merl Code is not as culpable as Tony Bland is ludicrous after  
2 he blew trial and the fact that his guidelines were double what  
3 Tony Bland's were.

4           But let me go on, Judge.

5           This case is -- it's different in so many ways, I  
6 think in terms of cases that we get here. This is a fall from  
7 grace that is almost Shakespearean. You've got someone, and  
8 this was acknowledged in their papers, I think there was a  
9 sentence in it that acknowledged the unbelievably, ridiculously  
10 bad background that Tony Bland had. Not only is he the least  
11 culpable in all three of these cases with the lowest  
12 guidelines, I don't know that you could have a more horrific  
13 upbringing and overcoming it for what Tony Bland did. This is  
14 what's so sad, is that he started from the most horrible  
15 circumstances. Somehow it was a miracle that he actually  
16 survived it and flourished. Anybody else in this situation  
17 would have died in a gang shooting ten years later when he was  
18 a child the way he grew up.

19           It was the most difficult childhood imagined. Not  
20 only did he flourish and make a success of himself, he was a  
21 positive figure in the community. Every letter you see how  
22 helpful he is. This is the kind of guy he is. And you don't  
23 know him, Judge, because you've only seen him here. This is a  
24 guy that's inside is dying after what happened to his life, a  
25 fall from grace; but outwardly he's been positive, and he's

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1 always been that way. When things were horrible for him as a  
2 child; the police chasing his father, his mother was addicted  
3 to drugs and dropped him off with a schizophrenic grandmother,  
4 the violence that he had to live through, the extreme poverty,  
5 absolutely horrific. He always had a positive outlook and said  
6 somehow I'm going to overcome this. He didn't overcome it by  
7 dealing drugs. He didn't overcome it by getting into a gang.  
8 He overcame it by having a positive attitude and working on the  
9 one skill that he had, which was basketball. And to lose all  
10 of that now, this was someone who was held up, again, as a  
11 paragon of virtue in the community, after all he had to  
12 overcome; his father being in jail most of his life and being a  
13 violent gang member. He had a family that was proud of him in  
14 the community. People revered him because he had done so many  
15 good things. They didn't revere him because he was rich or  
16 that he was a powerful guy. They revered him because he was  
17 helping out other people that had upbringings like him. He did  
18 all the positive things. And the fall from grace, the tragedy,  
19 and this is just stunning. We learned about how he was raised  
20 by his grandparents in lots, how his mother had him when she  
21 was 14 years old, that they had extreme poverty, that he would  
22 sometimes rummage through garbage pails so that he could eat.  
23 That's how his life began. He ended up getting shuttled off to  
24 his aunt after his grandmother died. As I said, this is a  
25 one-in-a-million shot here for Tony Bland.

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1           And I don't know how things would be different if he  
2 were raised like me or Mr. Mark. Respectfully, I don't know  
3 how you were raised, but I'm sure it was pretty good, you seem  
4 like a nice boy. I think that had he had the opportunities we  
5 had, things would be different. If we were in his situation, I  
6 don't know how we would be today. But the fact that he  
7 overcame this, instead of succumbing to the streets that  
8 everybody around him did, is a miracle. And I respectfully  
9 suggest that, according to the factors that should be weighed  
10 here, that's a big deal. He worked himself into becoming a  
11 star basketball player and he earned a scholarship at Syracuse  
12 and that's how he raised himself out of the muck. He then  
13 transferred to San Diego State where he was a star there. And  
14 he was beginning a professional basketball career that could  
15 have lasted fifteen years. And then he blew out his knee. And  
16 perhaps anybody else would have just given up and said, you  
17 know what, I got this far, after all I've overcome, I'm going  
18 to give up. He didn't. Because that's not the guy he is.  
19 He's a positive guy. And I know this because I've known him  
20 now for, coming on two years, and this is how he is. He's  
21 always positive. I know inside -- I just said it to him this  
22 morning, I know that you're happy and you're smiling to me but  
23 I know inside that you're dying a little bit today, I know you  
24 are and you have been. Because he's let everyone around him  
25 now, his friends, his family, he's humiliated his family. He

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1 is a piraya in the only area that he's ever known and loved  
2 which is basketball. He was working recently, the only job he  
3 could get, was in a youth center for underprivileged youths  
4 that were at risk, like him; teaching them basketball. An  
5 article came out a couple of weeks ago in the L.A. papers. He  
6 got fired. He got fired. There's nothing that he can do. He  
7 is radioactive in the only area that he's ever known or loved.

8 So with regard to general deterrence, as Judge Kaplan  
9 noted, there is no need -- excuse me, for specific deterrence,  
10 there is no need for it here because nobody -- you're never  
11 going to get back into the profession again.

12 With regard to general deterrence, Judge, everybody  
13 knows that if you get arrested you're done. So if anybody --  
14 there is no coach out there that is thinking about taking  
15 \$4,100, which was the least amount that anybody took in this  
16 case, and he also only had one bribe as opposed to many, many,  
17 many that the other coaches had. No one is thinking that if  
18 Tony Bland doesn't go to jail, oh, maybe I can get away with  
19 this. It doesn't make any sense. You get arrested and you're  
20 done. You get arrested and you're acquitted and you're done.  
21 That's how sensitive it is in the NCAA. So there is no need  
22 for the general deterrence. He is the embodiment of general  
23 deterrence.

24 After he blew his knee out, as I said, he didn't give  
25 up. He became a trainer and eventually an assistant coach for

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1 two universities and he became one of the top assistant coaches  
2 in the country. This is what's incredibly tragic. Because of  
3 his stupidity and his criminal activity, which is all this was,  
4 it was unbelievably out of character, and he did it. He broke  
5 the law. He was on the cusp of becoming a head coach. And  
6 talk about an unbelievable turnaround with the way that he grew  
7 up to become a head coach, Judge, it's a miracle; really of  
8 miraculous proportions that he could have gotten that high, but  
9 he blew it. All the hard work that he did his entire life. He  
10 blew it.

11           And he helped so many people on his way up. There are  
12 no letters bashing him. There are no letters, victim letters  
13 where people are saying Tony was a bad guy, he treated me  
14 badly. I find that in cases, oftentimes what happens is people  
15 that are disgruntled, that have had problems with the  
16 defendant, will sometimes write letters to the judge and say,  
17 Listen, this guy was really bad to me at one point, you need to  
18 know what a bad guy he is. I know this. And Mr. Mark and I  
19 had a sentencing last night with a bank CEO who stole a lot of  
20 money and there were a lot of bad victim letters that came in,  
21 really ugly stuff from people that were his employees.

22           You didn't get any of that here. You didn't get any  
23 of that even from the players that were negatively impacted by  
24 his behavior because he's beloved by all the people that he's  
25 coached. And this has been going on for decades. He's done so

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1 many positive things.

2 It's not like he was just doing his job and he did it  
3 well, Judge. You got a letter the other day that you showed to  
4 us this morning. That's the kind of stuff he was doing. He  
5 was helping at-risk kids out on his own for no pay. He was  
6 always a positive person in the community, a lot more positive  
7 than the average person would be.

8 THE COURT: Was that the organization that he was  
9 working for?

10 MR. LICHTMAN: No. That was not, Judge. It was a  
11 different one.

12 What I also find remarkable, and this is a more subtle  
13 point; it was never really brought up. He was raised around  
14 violence, drugs. This kind of stuff has an impact. It doesn't  
15 just get buried. It doesn't just get swallowed and you forget  
16 it. I mean seeing the violence in his house, the incredible  
17 instability, the sickness that he felt in his stomach everyday  
18 when he lived in that crushing poverty with the violence and  
19 the lunacy around him. You don't just forget that and it  
20 disappears. Probably, which is the reason why we're here  
21 now -- I wrote that in my papers, I think I did -- is that  
22 there was a semblance of that that still remained obviously  
23 that damaged him.

24 But the point is this. Look at what kind of father he  
25 is. You know, it's not easy for somebody that grew up like

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1 that with all of those bad examples around him. There were no  
2 good role models. Everything was bad around him. How is it  
3 that a guy like that -- forget that he avoided his friends,  
4 forget that he made something of himself, forget all that. How  
5 about the fact that he's capable of being in a healthy  
6 relationship with his wife and he raises kids who love him?  
7 He's got a kid that's going to Princeton. I should be as good  
8 of a parent as Tony Bland is. My kids are freshman in high  
9 school. I got to yell at them to do their homework. And I  
10 wasn't raised in a crack house, getting taken at eight years  
11 old like he was. It's a miracle that he did that.

12           And, Judge, that's another factor that should be  
13 viewed. We don't just look at his life as what he did wrong  
14 and why he's here. He's here for a reason. We know why he's  
15 here. He broke the law. He's not here because he's a good boy  
16 like me and Mr. Mark. He's here because he broke the law.

17           But look what he did in his life. Look at the  
18 positive role model he provided to his children. His kid is  
19 going to Princeton and not on an academic scholarship. There  
20 are no academic scholarships to Princeton. He's going there  
21 because he got in because of his academics. He could have gone  
22 to another school and gotten a free ride, obviously, for  
23 football. He could have gone to any number of schools. He  
24 went there because of his academics and he's going to play  
25 football there.

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1           That's the kind of parent he is and his -- the mother  
2 of his son said, she wrote in the letter: I tell people all  
3 the time I get credit for his academics -- referring to their  
4 son -- I get credit for his academics and athleticism but his  
5 heart and kindness comes from his dad. And that's who Tony  
6 Bland really is. And there's nothing that any prosecutor or  
7 any agent can say. But he was good to so many people, Judge,  
8 and a lot better than most people would ever be. Anybody who  
9 has ever crossed his path comes away with a smile and that's  
10 true.

11           He's now, as I said, not someone who is capable of  
12 getting back into the profession. He's 38 years old. He's  
13 finished. He's finished. I don't know that he's ever going to  
14 get a job; maybe get a job as a laborer. He's finished. He  
15 got fired from the job I just mentioned.

16           I've become friendly with Book Richardson, who I know  
17 you have tomorrow, I don't mean to bleed that over into this,  
18 but I think it has some impact here. Couldn't get a job in a  
19 Starbucks.

20           These guys are finished. They're done at this age.  
21 And, Judge, it's a scary thought when you've got children to  
22 support, you've got families to support, that you're done; in  
23 the only thing you've ever known, you are finished. He is  
24 never getting back into basketball. He has no other skills  
25 that he's ever developed. It was to train. It was to coach.

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1 That's all he and Book Richardson and the rest, that's all they  
2 know. And it's their fault that they're here for it, but it  
3 doesn't change the fact that they don't have any other place to  
4 go when this is over.

5 With regard to probation's recommendation, they noted  
6 that it was his first conviction, they noted his incredibly  
7 difficult upbringing, and they noted that a sentence of  
8 incarceration would be greater than necessary to achieve the  
9 sentencing goals in this case. And for those reasons they  
10 recommended a probationary sentence.

11 And, as I said, there are other reasons. Obviously,  
12 James Gatto, Merl Code and Dawkins received nine months, six  
13 months, and six months after going to trial and losing. The  
14 government, as I said, backed probation's sentencing  
15 recommendation for all three in front of Judge Kaplan, which  
16 was twelve, eight, and eight instead of the nine, six, and six  
17 they received. So the government agreed with probation's  
18 recommendation there because it had some jail time; it doesn't  
19 have any jail time, so suddenly they don't agree with it. But  
20 they're suggesting that he should get six months in jail, so he  
21 should get the same amount of time as Dawkins, who is  
22 exponentially more responsible, blew trial, and he should get  
23 the same sentence. I mean I don't need to comment on that. I  
24 think it's self-evident.

25 In addition, their conduct was repeated. It was

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extensive. Tony's was a one-shot deal. Yes, they're saying that if they hadn't arrested him it could have led to more. Well, but it didn't. And there is no evidence that anything happened before him that suggested that he broke the law.

I would respectfully request for all of those reasons as well as his upbringing and all the positives that he's done not -- taking into account the negatives that got him here, that a probationary sentence, if anybody would ever get in any of these cases, it would be Tony Bland. He's the least culpable and the government agrees.

Judge, for all those reasons -- I don't want to belabor and repeat and I think the reason why I'm belaboring and repeating is because I don't want to stop talking for this guy. I love him. And he has been a friend. I've had some tough times in life. Tony Bland is the one when I picked up my phone in the morning, Tony Bland is the one that sent me the text. That's the kind of guy he is. He cares about people around him. He has never been, "Woe is me, woe is me." He's kept a positive outlook and I can tell you, Judge, whatever happens to him today -- and I know that none of this is easy for you -- he's going to still keep that positive outlook.  
Thank you.

THE COURT: Thank you, Mr. Lichtman.

Mr. Bland, you have an absolute write to address the court before I impose sentence. Is there anything that you

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1 wanted me to know?

2 THE DEFENDANT: Thank you, your Honor. I just want to  
3 apologize to the Court. I want to apologize to the prosecuting  
4 attorneys, my family, my community. I'm sorry. Most  
5 importantly the young people that I misled that looked up to  
6 me, I just want to say sorry.

7 THE COURT: Thank you, Mr. Bland.

8 In deciding what sentence to impose, in addition to  
9 the sentencing guidelines and the commentaries thereto, I have  
10 considered all of the factors set forth in Section 3553(a) of  
11 Title 18 of the United States Code, including, as most relevant  
12 to Mr. Bland, the nature and circumstances of the offense and  
13 the history and characteristics of Mr. Bland. I've considered  
14 the need for the sentence imposed to reflect the seriousness of  
15 the offense, to promote respect for the law, to provide a just  
16 punishment for the offense, to afford adequate deterrence to  
17 criminal conduct, and to protect the public from further  
18 crimes. Because there are a number of codefendants, I've  
19 considered the need to avoid unwarranted sentence disparities  
20 among similarly situated defendants. And having considered  
21 these factors, it is my intention to accept the recommendation  
22 of probation and impose a sentence of two years probation with  
23 a special condition of one hundred hours of community service  
24 and a \$100 special assessment. I do not impose a fine as I  
25 find that Mr. Bland is not able to pay a fine. And I will also

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1 order him to forfeit \$4,100, I believe he has already  
2 consented.

3 I believe that this sentence is sufficient but not  
4 greater than necessary to comply with the purposes of  
5 sentencing set forth in Section 3553 for the following reasons.

6 First, I want to acknowledge a couple of the  
7 undercurrents that this case has that have been discussed to  
8 some extent today and that were testified to at the trial with  
9 Mr. Dawkins and Mr. Code, the trial before me. And I want to  
10 emphasize that I do believe that this is a serious offense.  
11 There is a debate that is currently going on concerning whether  
12 or not college players, particularly college basketball  
13 players, ought to be paid. I've had that debate with any  
14 number of my clerks over the years. And I certainly am of the  
15 view that there is a current status that the rules -- and we  
16 are, at a certain level, talking about NCAA rules -- have to be  
17 followed and that, in any event, the way that that debate plays  
18 out plays no role in the way that I thought about this case.

19 Mr. Bland pled guilty to a federal offense. It was a  
20 serious offense. And I do believe that there are identifiable  
21 victims of the offense. I do believe that the institutions  
22 were victimized. Putting aside the foibles of the individuals  
23 that run those institutions, putting aside what they did or  
24 didn't know, what they did not allow or did allow, the  
25 institutions were themselves victimized.

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I believe that the students and the players were victimized by the activities of Mr. Bland and his codefendants. Thankfully, it appears that certain of them have not been affected in their careers, but that does not mean that they were not put at risk in some fashion by the activities of the defendants, including Mr. Bland.

At the trial we saw the videotape of Mr. Bland in that hotel room. We saw him take the cash that was provided by Mr. Dawkins and the government cooperators. And I dare say that it was probably a very different picture of Mr. Bland than was provided to me by the two dozen or so letters that were submitted by his lawyers. Those letters paint a much different picture, an individual who, as Mr. Lichtman pointed out, came from a very unfortunate background that was marred not only by poverty but by drug addiction, violence, and mental health issues, and he was able to overcome all of that and make a career for himself. And, as impressively, because I see young men of color everyday in this courtroom that have similar background and are not able to overcome those backgrounds, and Mr. Bland was able to do that without nary a brush with the criminal justice system. And that's something that I put a lot of emphasis on in considering what would be an appropriate sentence for Mr. Bland. This is his first offense. And it is not a crime of violence. So, regardless of any other circumstances, I thought those were two things that I weighed

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1 very heavily in determining an appropriate sentence.

2 I do disagree with Mr. Lichtman. I don't think that  
3 Mr. Bland is finished. He may not be able to work in the field  
4 of his choice but he is still a relatively young man and he  
5 will. And he has a very strong support system, as is made  
6 clear by the letters that have been submitted, letters not only  
7 by his family but by people whom he befriended and whom will no  
8 doubt continue to support him after today.

9 I also do not believe that specific deterrence is an  
10 issue in this case. I am convinced to a moral certainty that I  
11 will not see Mr. Bland again, at least not in this courtroom,  
12 for any violation of the conditions of probation. I do not  
13 believe that I will see him again because he has committed  
14 another offense.

15 And I also agree that -- with respect to this case  
16 that there is no need for general deterrence. This case has  
17 gotten a lot of publicity. The individuals who are -- so it's  
18 also a fairly narrow universe of individuals who would come  
19 within the realm of general deterrence. I don't know how many  
20 NCAA men's basketball coaches or coaches there are but it is a  
21 fairly limited universe, and I think they all understand what  
22 the consequences are of engaging in this type of activity.  
23 Mr. Bland has not only lost his job but will in all likelihood  
24 not be able to work in that field going forward.

25 So I don't think, given his background, given the

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1 nature of this offense, given everything that he has gone  
2 through, that it is appropriate or is necessary to sentence  
3 Mr. Bland to any period of incarceration.

4 With that, does counsel know of any legal reason other  
5 than what has already been argued why I should not impose the  
6 sentence as I've indicated?

7 Mr. Mark.

8 MR. MARK: No, your Honor.

9 THE COURT: Mr. Lichtman.

10 MR. LICHTMAN: No, your Honor.

11 THE COURT: In that event, it is the judgment of the  
12 Court that Mr. Bland be sentenced to two years of probation on  
13 the one count of conviction with a special condition of  
14 probation of one hundred hours of community service.

15 The standard conditions of probation will apply as  
16 well as the following mandatory conditions.

17 You must not commit another federal, state, or local  
18 crime.

19 You must not unlawfully possess a controlled  
20 substance.

21 You must refrain from any unlawful use of a controlled  
22 substance and submit to a drug test within fifteen days and at  
23 least two periodic drug tests thereafter as determined by  
24 probation.

25 You must pay the special assessment.

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1           And if you live outside of the district it is  
2 recommended that you be -- outside of this district it is  
3 recommended that you be supervised by the district of your  
4 residence.

5           The following special conditions apply.

6           You must not incur new credit charges or open  
7 additional lines of credit without the approval of the  
8 probation office. You must provide the probation office with  
9 access to any requested financial information.

10          And, as I've indicated, you are to perform one hundred  
11 hours of community service.

12          As I've indicated previously, I will not impose a fine  
13 as I find that given his current financial situation he's  
14 unable to pay a fine.

15          You are ordered to forfeit \$4,100.

16          Are there any open counts with respect to Mr. Bland?

17          MR. MARK: Yes, your Honor. I believe the government  
18 moves to dismiss the open counts which I believe are Five,  
19 Eight, and Nine.

20          THE COURT: That application is granted.

21          That constitutes the sentence of the Court. I believe  
22 that there was a guidelines stipulation in the plea agreement  
23 with Mr. Bland.

24          MR. MARK: Yes. There was a waiver of his right to  
25 appeal of a sentence at or below the guidelines and we believe

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1 that that's in effect here, your Honor.

2 THE COURT: Mr. Bland, the upshot of that is that your  
3 appellate rights are severely restricted because of that  
4 stipulation.

5 Mr. Lichtman, will you assure me that you will  
6 thoroughly and promptly discuss with Mr. Bland the effect of  
7 the plea agreement on his appellate rights?

8 MR. LICHTMAN: Yes, your Honor.

9 THE COURT: Are there any other applications?

10 MR. MARK: Not from the government, your Honor.

11 MR. LICHTMAN: And none from the defense, Judge.

12 THE COURT: In that event we are adjourned.

13 Mr. Bland, good luck to you, sir.

14 THE DEFENDANT: Thank you, your Honor.

15 (Adjourned)

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